Gary Shaw
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6/7/94

Dear Gary,

Your letter of the 3rd came today, Kizzia's to Gallen and me yesterday. They were two days on which I got little done after I had to stop writing early in the morning yesterday to be driven to Hopkins for the semi-annual urological checkup, which was fine. No sooner were we home than a student came. And stayed until my bedtime. Early this morning I got most of yesterday's mail answered before I had to leave for the usual things that take much of my time, blood tests and physical therapy. Half hour after I was home another student I agreed to help on an honors paper that can make a fine book was here with her prof. I was marking up things to copy and sent to Kizzia when they came. Before they left the garage phoned to tell me that my car was ready. It was smashed up quite a bit Friday th 13th, the other party's insurance company accepting responsibility. So I had to return the rental car, where I had to wait for another employee to return so I could be driven to the garage. And on driving the car home I found that the air conditioner is not working. With this the hottest day of the year so far. So, tomorrow morning I have to be at the dealer's before they start work. And with the odd hours I keep that do make me more productive, I have to knock off in a quarter of an hour.

I'd like to be able to testify for you because I do believe the suit is an important one in several areas but any travel is dangerous for me and I've not driven out of Frederick since 1977. When I had to go to DC hospitals and since then to Hopkins, I am driven and that by experienced drivers in better cars. Recently by a cousin who takes the time from his Pontiac dealership. I am kept alive by a high level of anti-coagulents It makes me an easy bleeder. I've been wearing a 3x3 patch near my left elbow there six week ago the outer level of skin peeled back from slight broadside contact with an office door, the dentist's. It takes that long to heal and I am damaged that easily. The slightest contact with anything causes subcutaneous hemorrhaging. I'm unsteady on my feet and have to use a cane to keep from falling. I have to be careful of that at 81 and a bleeder. There are, I regret, a few other reasons but this should be enough to tell you why I am never out of Frederick except for medical, nursing, hospital medical reasons.

I'll resume this in the morning and I'll send Kizzia a copy plus what I was going to copy and what I think you should do to go along with it. Sorry, typewriters are so passe this is how a brand new ribbon behaves. Probably shelf age. Where it reverses. I can't use a computer.

I do not have an address for Crenshaw but if you want to give him a copy, please do. But what I say about publication I ask the three of you to keep to yourselves and in confidence. There is a problem and that is why I referred you to Gallen. I'd like to hear what Kizzia hears as soon as he does. I've got enough time to start that now, with what he probably does not know.

After more than 100 international rejections of my first book, without a single adverse editorial comment and in the face of in-house opinions that it would be a best seller in several instances, I became a publisher and published it myself. This put a curse on me with publishers. I began with an agent for other books, lost my agent when I got interested in the assassination, and the next six would not touch the subject. So, I have no agent and no publisher. And I went to the hospital for the first of my medical problems of more recent years as soon as I had Post Mortem ready for the printer. Publishing since then has been a physical impossibility for me.

Richard Gallen is an old friend and he has been a very good friend. When he and his son came down from New York the 1992 July 4 holiday to visit I told him what I would be doing and had already started doing with what became NEVER AGAIN! He said he could be interested and I did not even try to make any other connection. He is a long-time publishing lawyer and has other interests of which I do not know. He is counsel for Carroll &Graf and for their distribution, who distributes for many small publishers, and he may represent other of those small publishers. He copublishes, to my knowledge with Carroll & Graf and perhaps with others.

Dave Wrone, and it was his idea, retyped NEVER AGAIN! on his computer as I sent him chapters of the rough draft. He sent a copy to Gallen and a copy to me. There came a time when Gallen said he'd publish itm with C & G, and that he'd give me a small advance. While the small advance is subject to other interpretations, I assumed it indicated that he anticipated extra expenses and I could anticipate some. I told him from him I needed no contract and that I did not need the advance.

He had the complete book early in 1993. It could have been published before Posner's but it wasn't. When I asked when it would be published he said this September.

But then about the time Crazy Harry Livingstone's manuscript for his killing of the truth was due I stopped hearing from Gallen. Until then I had been sending him copies of some of Harry's crazier letters, those I believe that as C & G's counsel he might want to know about. Not all. Only what as a layman I could think he might want to know.

It was strange but there was nothing I could do about it so I accepted it and we had little contact.

Then came Posner. And that is where I'll resume in the morning.

When he heard I was doing the Posner book he phoned and said he was interested. After we spoke very briefly he put Herman Graf, whose office is separate but on the same floor, on the phone. We agreed on fastest possible publication. Gallen said he'd have to edit it after I said I had only the rough draft and would be getting it retyped. He also said they would do the retyping, to send them the rough draft. I agreed to the editing because I was aware it was necessary, especially for unnecessary repetition.

I go into this because I believe that NEVER AGAIN! can be very important to you in

your lawsuit that I believe is also very important.

Despite the size of my books and the complexity of the information in them, I have never had the time to sit down and outline them. That could take about as long as my writing of them. I think and then I write. I had what I had titled Hoax: the Gerald Posner/ Random House/ CIA JFK Assassination Exploitation completed two months after the book was out and I did not begin writing it right away. It is of about 200,000 words. After I finished the rough draft I went back and added a few insertions.

With a publisher I could afford to get a pro to do the retyping. But if they could do it, that would be easier for me, so I was glad to accept that.(It has yet to be completed.)

They did no editing. They just eliminated far by most entirely. And in that changed the character of the book. None of this was ever discuseed with me. I can understand Gallen's liking for Case Open as the title but I also note it eliminates the CIA from the title and I think some CIA content was eliminated in the whole chapter cuts.

It was some time before the retyping began. Gallen put a fine woman who had never touched a computer to work on it and it was as frightful a mess as you can imagine. I read and corrected it rapidly and when some time passed and I got no more I phoned him to ask for it. I spoke to his son. He never called back. The book he published is the first six or seven chapters that I sent him, what I had done at the time we spoke, and as I recall two other chapters of those I sent later. There are about 35 chapters in the draft.

In addressing what Posner wrote to convict Oseald, and in addressing it with the official evidence only, the book I wrote was also a second book, one that from the official evidence only acquitted or exculpated Oswald. That is part of what was eliminated. And that is a book for which there not only is a market but is one the record for history should have.

When I was sent the retyping of what was used I was not told that is all but the brief note Gallen had with it did say that although not in those words I did not take it that way. I awaited the rest that never came. Then I got proofs and I was shocked. The corrections I had made in the typescript were largely ignored, there was no table of contents, there are two different subtitles and there also is no index. There is hardly a more effective way of discouraging any reviews or any serious attnetion. In returning the proofs, and I was given only over a weekend, I insisted that there be conclusions, those I had written for the longer book then being inappropriate, and I sent them express mail the next day. They were cut heavily and the book has a dozen blank pages at the end!

This is incomprehensible to me, all of it. It can be interpreted as their believing that a shorter book could do Posner in and sell for less but that does not explain either the incredibly sloppy and amateurish job professionals did or the total silence.

On NEVER AGAIN! the fine editor was removed from it and an outside editor was hired. We did agree on my changes in his editing, which consisted largely of restoring gross and unnecessary cutting. The original editor was high on the book and wanted immediate publication. He was ignored and is silent to keep his job.

All of the content was agreed on a very long time ago except for an Afterword I wrote on new evidence that I believe is or can be important to you and is of exceptional importance in the case and for the record. It is something that if you can use it in court and gets attention can break the whole thing open.

The actual situation is such that I've asked a number of times for copies of any announcements of the book Case Open they made to include in my mail to advertise it without success. Yesterday that would have been a dozen or more. Over the montgh many people could have been told of the book's coming and of its appearance. I could not take the time to write all those who write me and was unwilling to when they would not even send copies of any annoucement that they made in the trade and to the trade press.

All of this led me to write Gallen as I did a several weeks ago asking for his assurances that the book would appear as promised in September and that it would be treated as books normally are, with the text long ago agreed to and with a table of contents, an index and the pictures indicated.

In using what JAMA did as a skeleton to flesh out I did, effectively, destroy the official mythology and JAMA's integrity with it.

It has had two full peer reviews, the best there can be, two professionla historians who are also subject experts, Dave Wrone and locally Gerald McKnight. McKnight is in fact using a chapter or more in his teaching. Has been for a year. That book could have been out without any unusual effort well before Posners. That could and would with attention have made an enormous difference.

I believe there is nothing unusual in what I ask, normal assurances. I do not have them. This and the overall situation is why I feel I should not give you a copy of the mansuscript. Much as I'd like to! But of course I do repeat you are welcome to read it here and to use any of the content as your own work and the documentation. I have that filed with the rough draft of each chapter. I guess the book is about 250,000 words long. Wrone retyped it on his computer, the draft, that is. If Kizzia wants an opinion on it his home phone is 715/344-8148. That Wrone is a dear friend will not lead him not to be truthful. The same is true of McKnight, whoss phone is 301/473-5639. Another professor, also a friend and also teaching such a course, has read most of it.

If I do not get the assurances I asked of Gallen- and there is no indication of the book being prepared for September appearance - what I would ordinarily want to do is impossible for me at my age and in the state of my health. I'd get a lawyer and if necessary sue. I do not know what inquiry I can make to see if there are any professional groups that could get interested in the rights of a writer. I belong to none.

When they were about ready to print Case Open Gallen wrote me and said they believed there should be a contract. He sent me one for each book and I signed and returned both. The advances were so small they can be interpreted as insulting but by then I had no real alternative. However, although not a lawyer, I believe that a contract means that an effort will be made to comply with it according to norms if not otherwise indicated and there is no such provision in them, of other than normal treatment. They did have this typical book in very early 1993. And more than a year later I do not get assurance that is will appear more than a year and a half after Gallen had it.

While it is not really relevant I add as a description of the book the belief that if and when it is published Specter will never again run for any public office.

I believe that if it were possible for me to sue, as it isn't, with any attention that also could have a considerable impact if it got any attention, particularly because of the content of the book and its accuracy. (I note that this long after the butchered Case Open is out I've heard not a word from Posner, from Random House of from any lawyer and although I cannot tell you the details because they are, not for any reason connected with me, confidential, they have been challeneged with its contents and were mute.)

I am sorry, very sorry, for all of us that this situation exists but I hope you all realize my situation is what indicates that I should not, at least without approval by Gallen, give you a copy of the book. I see no reason not to give you access to some of its contents and am willing to do that. I do realise that the conditions may make that unreal for you. I hope, too, that you can see why I ask that what I say above be kept confidential is important to me and to publication of what, if it were published before your trial, could have, I think, a great influence on it.

It is time for my early-morning walking. When I return I'll respond to Kizzia's letter, with copies to both of you. I add here so I will not forget there, because I do forget much too much, would it be effective to question Humes et al from abbook with documents published in 1975 and if he thinks so, what I suggested earlier, a professor of journalism on standards might synergize it.

In fairness, and recognizing that it may make it all sound more complicated, I say that with his short letter enclosing the contracts, handrwritten, Gallen concluded, "You did a great job. (His emphasis.) You would have been a notable lawyer in the Clarence Darrow mold." The date was 2/2/94. This seems inconsistent with his obdurate silence, however, My letter seeking the assurance was a week ago today, 6/1/94.

Sincerely,

Harold

Harold Weisberg